



## **CAPITOL TIDBITS**

### **by Sen. Bob McCaslin**

### **4th Legislative District**

**February 11, 2005**

#### **Election Challenge Update**

Chelan County Superior Court Judge John Bridges ruled against the Democrat Party's motion to dismiss the case on February 4. He is going to continue the trial, reviewing the evidence presented on illegal votes and election worker errors. The judge did say he does not have the power to order a revote, but he can find that the election was so flawed that it should be thrown out. The case may also end up before the Washington State Supreme Court.

#### **Election Reform Task Force to hold public meetings**

Members of the public are encouraged to attend the Election Reform Task Force meeting in their area. These meetings provide an important opportunity for citizens to ask questions, share their concerns and frustrations and ask for meaningful reform.

**Spokane** – 6-8 p.m., Tuesday, Feb. 22, Spokane Community College Lair Student Center

#### **Paid family leave bills puts unfair tax burden on workers and their employers**

**House Bill 1173** and **Senate Bill 5069** impose a new payroll tax on all employers and employees with an initial cost of more than \$70 million per year. Under this program, an employee who has been with a company for about four months can take up to five weeks of job-protected paid leave to care for a newborn, a newly adopted child or a family member who is ill. Under current state law, a person may use accrued sick leave to stay home and care for a family member. Only five other states have joined Washington in extending this opportunity to private sector employees.

Under federal law, companies with 50 or more employees must provide as much as 12 weeks of unpaid, job-protected leave to employees after one year of employment.

For small companies, where every employee is critical to the operation, an extended employee absence could cause the business to lose customers and layoff other employees. The new tax employers would have to pay under the proposed legislation would lessen their ability to hire a temporary worker to pick up the additional work – even if they could find one with the needed skills.

Most Washington employers already are sensitive to their workers' family needs and understand that meeting those needs is part of attracting and keeping good employees. When it comes to stimulating our economy and creating more jobs, House Bill 1173 and Senate Bill 5069 simply take us in the wrong direction for Washington.

#### **Supreme Court buries state's death tax**

On February 3, the Washington State Supreme Court struck down Washington's inheritance tax. For many family-owned businesses and farms, this means that the newest generation will be able to continue to operate what parents and grandparents started. The inheritance tax often was too great, and children had to sell off the property to pay the tax. In 1981, Washington voters eliminated the state inheritance tax as a stand-alone tax by tying it to the federal law that allowed a credit against federal estate taxes due in the amount paid to a state. The tie to changes in federal law was eliminated in 1990 legislation. So, when Congress approved a phase-out of the federal estate tax and state tax credit provision in 2001, Washington's law did not conform. Efforts by Senate Republicans to match state law to the 2001 changes were unsuccessful. Now the Supreme Court has taken it out of hands of the Legislature and declared the tax null and void.

#### **Constitutional amendment would protect the state's law defining marriage as between a man and a woman**

**Senate Joint Memorial 8209** would put before the voters of this state an amendment to the Washington State Constitution that authorizes only the Legislature or the people to define a legal marriage. This amendment would make it impossible for any court decision to change the state's 1998 Defense of Marriage Act (DOMA) which defines marriage as between a male and female and the parties to the marriage are husband and wife. On August 4, 2004, King County Superior Court Judge William Downing ruled

that gay couples can marry in Washington State and declared that DOMA is unconstitutional. On September 7, 2004, Thurston County Superior Court Judge Richard Hicks ruled Washington State's DOMA statute unconstitutional. The matter is now before the state Supreme Court. Oral arguments are scheduled for March 8.

**Study to look at donating leftover prescription drugs**

Last month, a new law in Oklahoma took effect which allows nursing homes to donate unused prescription drugs to state residents who can't afford them. The law also allows drug manufacturers, health care providers or individuals to donate leftover, unopened and unexpired medications to participating pharmacies. The drugs will then be distributed to the medically indigent. **Senate Bill 5846**, now before the Senate Health and Long-Term Care Committee, requires a study of how Washington can safely operate a similar program.

**Take a look at the 2005 Tax Reference Manual**

The Department of Revenue has released the latest edition of its Tax Reference Manual, and it contains almost everything you ever wanted to know about Washington state taxes. To see the 2005 manual go to DOR's Web site at: [www.dor.wa.gov](http://www.dor.wa.gov).